

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VENTANA MEDICAL SYSTEMS, INC.,

Plaintiff,

v.

DAKOCYTOMATION CALIFORNIA INC.,

Defendant.

C.A. No. 04-1522-GMS

JOINT MOTION FOR EXTENSION OF FACT DISCOVERY DEADLINE

Plaintiff Ventana Medical Systems, Inc. (“Ventana”) and Defendant DakoCytomation California Inc. (“DakoCytomation”) hereby jointly request an extension of the fact discovery deadline. Fact discovery is currently set to close on November 18, 2005 pursuant to this Court’s March 31, 2005 Scheduling Order. The parties request that fact discovery be extended to January 13, 2006, as set forth in the attached Proposed Amended Scheduling Order.

The parties are requesting this extension because, due to the difficulties in scheduling depositions of foreign witnesses, in part because of witness and attorney schedules, they do not believe they can properly complete fact discovery by the current cut-off date. The purpose of the extension is to give the parties additional time to conduct the depositions, and to conduct any follow-up written discovery. The extension would take into account intervening holidays which limit available dates for deposition.

The extension would not affect any other deadlines in the schedule, and would not cause the Court to alter any dates in its calendar. As set forth in the attached certification under Local Rule 16.5, counsel for Ventana and DakoCytomation have sent a copy of this request to their respective clients.

Dated: November 3, 2005

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IT IS SO ORDERED this _____ day of _____, 2005.

The Honorable Gregory M. Sleet